

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>L. RUTHER,</b>	:	<b>CIVIL ACTION NO. 1:13-CV-1641</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>STATE KENTUCKY OFFICERS,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 11th day of July, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Susan E. Schwab (Doc. 4), recommending that plaintiff's request to proceed *in forma pauperis* (Doc. 2) be granted and plaintiff's complaint (Doc. 1) be dismissed without prejudice, and, following an independent review of the record, and noting that Plaintiff filed objections<sup>1</sup> to the report (Doc. 5) on July 1, 2013, and the court finding Magistrate Judge Schwab's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Magistrate Judge Schwab's report (Doc. 4), it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Schwab (Doc. 4) are ADOPTED.
2. Plaintiff's request to proceed *in forma pauperis* (Doc. 2) is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice. Plaintiff is granted leave to file an amended complaint within twenty (20) days of the date of this order, which shall address the deficiencies set forth in Magistrate Judge Schwab's Report and Recommendation. Failure to file an amended complaint in a timely fashion shall be deemed an abandonment of these claims and this matter shall be dismissed with prejudice.
4. The above-captioned case is REMANDED to Magistrate Judge Susan E. Schwab for further proceedings.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge